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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,584	05/15/2004	Ivan E. Petkov	drygear2	3583

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EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/709,584	Applicant(s) PETKOV ET AL.	
	Examiner Joseph M Pelham	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 13-17 is/are rejected.
- 7) ☒ Claim(s) 4 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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Claim Rejections - 35 USC § 102

Claims 9-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by FR2521408 (FR'408).

Referring to Figs. 1-3, the abstract, and claim 3, FR' discloses a portable drying and heating system as claimed, including heating elements 6, 7 in the walls, AC and DC power accommodation 8-11 inherently requiring electrical conversion means, and two moisture vents 15.

Claim Rejections - 35 USC § 103

Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR'408 in view of U.S. Pat. 5569401 (US'401).

The claims differ from FR'408 only in calling for a center panel in the compartment; however, US'401 discloses, at Figs. 2, 4, & 9, and col. 2, lines 34-56, a center panel 22 comprising a heating element 20 (20' or 20"). It would have been obvious to form a center panel in the case of FR'408, after the manner of US'401, to more efficiently heat the contents of the case when a plurality of items are placed therein, such as ski boots.

Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR'408 in view of U.S. Pat. 4543471 (US'471).

The claims differ from FR'408 only in calling for a thermostat and an adjustable strap, noting that FR'408 does disclose a strap without discussing adjustability.

US'471 discloses, at col. 3, lines 20-21, the use of a thermostat to control temperatures in a portable heated case, which although intended to carry food rather than sports equipment shares identically the issue of temperature control in a portable heated case. It would have been obvious to adapt the thermostat control means of US'471 to the heated case of FR'408 to enhance temperature control and versatility. Moreover, strap adjustability does not patentably distinguish the claimed invention from the prior art; strap adjustability is obvious because it has long been conventional means to allow comfortable carrying by persons of various heights.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR'408 in view of U.S. Pat. 2617012 (US'012).

The claims differ from FR'408 only in calling for combined AC/DC battery power. However, US'012 discloses the use of exactly this in a sports equipment case. It would have been obvious to adapt the power supply means of US'012 to the case of FR'408 to allow use in diverse environments, with or without mains or automobile battery power.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over FR'408 in view of US'401, as applied to claims 1-3 and 6 above, and further in view of US'471.

The claims differ from FR'408 in view of US'401 in calling for a thermostat; however, US'471 discloses, at col. 3, lines 20-21, the use of a thermostat to control temperatures in a portable heated case, which although intended to carry food rather than sports equipment shares identically the issue of temperature control in a portable

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heated case. It would have been obvious to adapt the thermostat control means of US'471 to the heated case of FR'408 in view of US'401 to enhance temperature control and versatility.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR'408 in view of US'401, as applied to claims 1-3 and 6 above, and further in view of US'012.

The claims differ from FR'408 in view of US'401 in calling for combined AC/DC battery power. However, US'012 discloses the use of exactly this in a sports equipment case. It would have been obvious to adapt the power supply means of US'012 to the case of FR'408 in view of US'401 to allow use in diverse environments, as discussed above.

Allowable Subject Matter

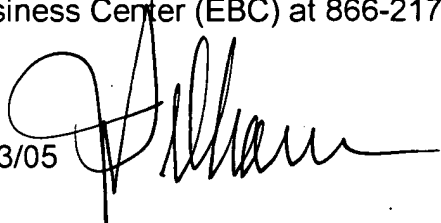
Claims 4 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/13/05



JOSEPH PELHAM
PRIMARY EXAMINER